

REÇU LE 02 AOUT 2005

PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRELIMINAIRE INTERNATIONAL
SUR LA BREVETABILITE (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règle 72.2 du PCT)

Expéditeur : le BUREAU INTERNATIONAL

Destinataire :

MAILLET, Alain
Cabinet Le Guen Maillet
5, place Newquay
Boîte postale 70250
F-35802 Dinard Cedex
FRANCE

Date d'expédition (jour/mois/année) 28 juillet 2005 (28.07.2005)	
Référence du dossier du déposant ou du mandataire 8894P	NOTIFICATION IMPORTANTE
Demande internationale n° PCT/FR2003/003803	Date du dépôt international (jour/mois/année) 19 décembre 2003 (19.12.2003)
Déposant SAGEM S.A. etc	

1. Transmission de la traduction au déposant.

Le Bureau international transmet ci-joint copie de la traduction en langue anglaise qu'il a faite du rapport d'examen préliminaire international établi par l'administration chargée de l'examen préliminaire international.

2. Transmission d'une copie de la traduction aux offices élus.

Le Bureau international notifie au déposant qu'une copie de cette traduction a été transmise aux offices élus suivants qui exigent la traduction en question:

AZ, CH, CN, GH, KG, KP, KR, MK, MZ, RO, RU, TM

Les offices élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CA, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NO, NZ, OA, OM, PH, PL, PT, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport d'examen préliminaire international.

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé (règle 74.1). Voir le volume II du Guide du déposant du PCT pour de plus amples renseignements.

Bureau international de l'OMPI
34, chemin des Colombettes
1211 Genève 20, Suisse

Fonctionnaire autorisé

Beate Giffo-Schmitt

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003803



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8894P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003803	International filing date (day/month/year) 19 décembre 2003 (19.12.2003)	Priority date (day/month/year) 20 décembre 2002 (20.12.2002)
International Patent Classification (IPC) or national classification and IPC G06K 9/00		
Applicant SAGEM S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 24 juin 2004 (24.06.2004)	Date of completion of this report 01 April 2005 (01.04.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003803

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-8 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-11 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/4-4/4 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003803

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 1-5

because:

☒ the said international application, or the said claims Nos. 1-5
relate to the following subject matter which does not require an international preliminary examination (*specify*):

See separate sheet

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III.

1. The International Preliminary Examining Authority considers that claims 1 to 5 of the international application relate to subject matter on which it is not required, under PCT Article 34(4)(a)(i) and 34(4)(b), to carry out an international preliminary examination and has accordingly decided not to carry out such examination on said claims in their present form.
 - 1.1 The subject matter of the claims relates to a human activity (PCT Rule 67.1(iii)).
 - 1.1.1 It has not been specified that the method is carried out by a device such as a computer.
 - 1.1.2 The alleged invention, considered as a whole, relates to a method for determining whether a finger is live, i.e. a method which could be carried out by a human being who, after having performed measurements, would use his or her brain to perform analytical calculations on the basis of said measurements.
 - 1.1.3 The method does not provide a practical application having a useful, concrete and tangible result (*PCT International Search and Preliminary Examination Guidelines*, 25 March 2004, "Appendix to Chapter 9", A9.07[1]).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/03803

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	6-10	NO
Inventive step (IS)	Claims		YES
	Claims	6-10	NO
Industrial applicability (IA)	Claims	6-10	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

- D1: EP-A-1 187 056 (ST MICROELECTRONICS INC) 13 March 2002 (2002-03-13)
- D2: US-B-6 314 1951 (FUKUZUMI SHINICHI) 6 November 2001 (2001-11-06)
- D3: TARTAGNI M ET AL: "A 390 dpi live fingerprint imager based on feedback capacitive sensing scheme" SOLID-STATE CIRCUITS CONFERENCE, 1997. DIGEST OF TECHNICAL PAPERS. 43RD ISSCC., 1997 IEEE INTERNATIONAL SAN FRANCISCO, CA, USA 6-8 FEB. 1997, NEW YORK, NY, USA, IEEE, US, 6 February 1997 (1997-02-06), pages 200-201, 456, XP010218978 ISBN: 0-7803-3721-2
- D4: WO 97/14111 A (KALLO PETER; KISS IMRE (HU); TALOSI JANOS (HU); PODMANICZKY ANDRAS) 17 April 1997 (1997-04-17)
- D5: EP-A-1 187 057 (ST MICROELECTRONICS INC) 13 March 2002 (2002-03-13)
- D6: WO 02/099731 A (GRUBER KLAUS; MELZNER HANNO (DE); MARIN KENNETH E (DE); INFINEON T) 12 December 2002 (2002-12-12)

2. D4 is considered to be the closest prior art.

3. The subject matter of independent claim 6 cannot be considered novel (PCT Article 33(2)).
- 3.1 D4 describes (see page 8, line 28 to page 9, line 7 of the description and figure 8) a fingerprint sensor for determining whether a fingerprint-bearing object is live, characterised in that it comprises at least three electrodes for performing paired impedance measurements (see the eight electrodes (17) in figure 8). Therefore, the features in claim 6 are disclosed in D4.
4. The subject matter of claims 7 to 10 does not add anything novel to the subject matter of claim 6.
- 4.1 This subject matter is disclosed in D4 (figure 8).

Additional observations

- i. Claims 6 to 10 do not define the subject matter for which protection is sought (PCT Article 6).
- i.1 The invention requires not only impedance measurements but also a measurement of the electrode surface area covered by the finger (description, page 2, second paragraph).
- i.2 This can be resolved by incorporating the features of claim 11 into claim 6. This would also solve the problem of lack of novelty mentioned above under point 3.